

Introduced by Senator Kehoe

February 19, 2010

An act to amend Section 1733 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, as introduced, Kehoe. Public Utilities Commission: procedures: rehearings.

Under existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law authorizes any party to an action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected by an order or decision of the CPUC, to apply for a rehearing with respect to any matter determined in the action or proceeding and specified in the application for rehearing. Existing law prohibits a cause of action arising out of any order or decision of the CPUC from accruing in a court to a corporation or person unless the corporation or person has filed an application to the CPUC for a rehearing within a specified amount of time after the date of issuance of the order or decision.

Existing law provides that any application for a rehearing made 10 days or more before the effective date of a CPUC order as to which a rehearing is sought, shall be either granted or denied before the effective date of the order, or the order is suspended until the application is granted or denied. Existing law provides that, absent a further order of the CPUC, the suspension ceases after 60 days, the order becomes effective, and the party making the application is authorized to take the application as having been denied.

This bill, for an application for rehearing made 10 days or more before the effective date of the CPUC order as to which a rehearing is sought, would delete the provision that the suspension ceases after 60 days if the application is not granted or denied before its effective date, thereby indefinitely suspending the effective date of the order until the CPUC either grants or denies the application.

Existing law provides that if the application for rehearing is made less than 10 days before the effective date of the order as to which a rehearing is sought, and the application is not granted within 60 days, the party making the application is authorized to take the application as having been denied, unless the effective date of the order is extended for the period of the pendency of the application.

This bill, for an application for rehearing made less than 10 days before the effective date of the CPUC order as to which a rehearing is sought, would provide that if the CPUC has not acted upon the application within 120 days, the application is deemed granted and the order is suspended until the application is granted or denied.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1733 of the Public Utilities Code is
2 amended to read:

3 1733. (a) Any application for a rehearing made 10 days or
4 more before the effective date of the order as to which a rehearing
5 is sought, shall be either granted or denied before the effective
6 date, or the order shall stand suspended until the application is
7 granted or denied; ~~but, absent further order of the commission the~~
8 ~~order shall not stand so suspended for more than 60 days after the~~
9 ~~date of filing of the application, at which time the suspension shall~~
10 ~~lapse, the order shall become effective, and the application may~~
11 ~~be taken by the party making it to be denied.~~

12 (b) Any application for a rehearing made within less than 10
13 days before the effective date of the order as to which a rehearing
14 is sought, and ~~not granted within 60 days, may be taken by the~~
15 ~~party making the application to be denied, unless the effective date~~
16 ~~of the order is extended for the period of the pendency of the~~
17 ~~application acted upon within 120 days shall be deemed granted,~~

1 *and the order shall stand suspended until the application is granted*
2 *or denied.*

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